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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,748	08/25/2003	Mark Joseph Parisi	DP-308635	2288
22851	7590	03/22/2005	EXAMINER	
DELPHI TECHNOLOGIES, INC. M/C 480-410-202 PO BOX 5052 TROY, MI 48007			CHIESA, RICHARD L	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/647,748	PARISI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Richard L. Chiesa	1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings filed on August 25, 2003 are accepted by the examiner.

### ***Claim Rejections - 35 USC § 102/103***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicants are advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not

Art Unit: 1724

commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-4, 6, 7, 13, 15, 23, and 24 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 6,790,259 to Rittri et al. Rittri et al (note col. 1, line 10 to col. 2, line 8, and col. 2, line 18 to col. 3, line 3) disclose an air filtration system with an intake fan (note col. 2, lines 61-65), ionizer 1, pleated electret filter media 2, and grounded conductive dissipative electrode grid 6 as claimed (35 USc 102e). It would appear that Rittri et al may not explicitly state the use of a portable housing. However, Rittri et al do mention that the apparatus is movable to various locations (note col. 2, lines 23-27). Consequently, it is inherent or at least would have been obvious to one of ordinary skill in the art (35 USC 103a) that the Rittri et al system employs a portable housing.

6. Claims 1-4, 6, 7, 13, 15, 23, and 24 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Rittri et al in view of U.S. Patent No. 5,133,788 to Backus. Rittri et al, as described above in paragraph 5, disclose an air filtration system substantially as claimed. However, Rittri et al may not explicitly disclose the use of a portable housing with the filtration apparatus. In any case, Backus (note Figures 1-3, ref. num. 44, 48, 68, and col. 3, line 25 to col. 4, line 50) teaches the well-known use of a portable housing in an air filtration apparatus for the purpose of facilitating general household use. Therefore, it would have been obvious to one of ordinary skill in the art

Art Unit: 1724

to employ a portable housing in the Rittri et al air filtration system in order to facilitate use throughout a house or other location as taught by Backus.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 in either one of paragraphs 5 or 6 above, and further in view of U.S. Patent No. 6,355,095 to Kuo-Long. The prior art as described above in either one of paragraphs 5 or 6 discloses an air filtration apparatus substantially as claimed with the possible exception of a pre-filter. In any case, Kuo-Long (note ref. num. 26, Figures 1-4, and col. 2, lines 56-65) teaches the well-known use of an activated carbon pre-filter in an electric air filtration system for the purpose of maximizing filtration. It therefore would have been obvious to one of ordinary skill in the art to employ an activated carbon pre-filter in either one of the prior art air filtration devices in order to enhance filtration as taught by Kuo-Long.

8. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 in either one of paragraphs 5 or 6 above, and further in view of U.S. Patent No. 4,749,390 to Burnett et al. The prior art as described above in paragraphs 5 or 6 discloses an air filtration device substantially as claimed with the apparent exception of movable louvers. However, Burnett et al (note ref. num. 42, Figs. 1-5, and col. 4, lines 39, 40) teach the well-known use of movable louvers in an air filtration device for the purpose of facilitating air directional control. It would have been obvious to one of ordinary skill in the art to employ movable louvers in either one of the

prior art air filtration systems in order to direct air flow as desired as taught by Burnett et al.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 in either one of paragraphs 5 or 6 above, and further in view of U.S. Patent No. 6,056,809 to Chapman. The prior art as described above in either one of paragraphs 5 or 6 discloses an air filtration apparatus substantially as claimed with the possible exception of a woven filter media. However, Chapman (note col. 4, lines 48-56) teaches the use of woven filter media in an air filtration apparatus for the purpose of increasing particle capture efficiency and for this same reason it would have been obvious to one of ordinary skill in the art to employ such an expedient in either one of the prior art air filtration devices.

10. Claims 14, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 in either one of paragraphs 5 or 6 above, and further in view of U.S. Patent No. 5,474,600 to Volodina et al. The prior art as described above in either one of paragraphs 5 or 6 describe an air filtration system substantially as claimed with the apparent exception of a cellular filter media and four ionizing electrodes. However, Volodina et al (note Figures 6, 7, ref. num. 25, 26, and col. 5, lines 25-65) teach the use of these well-known expedients in an air filtration apparatus in order to enhance the ionization effect and for this same reason it would have been obvious to one of ordinary skill in the art to employ these expedients in either one of the prior art air filtration systems.

Art Unit: 1724

11. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claims 15 and 4 in either one of paragraphs 5 or 6 above, and further in view of U.S. Patent No. 6,497,754 to Joannou. The prior art as described above in paragraphs 5 or 6 disclose an air filtration apparatus substantially as claimed with the apparent exception of a conductive grid being adhesively bonded to the filter media. In any case, this well-known expedient is taught by Joannou (note ref. num. 10, Fig. 5, and col. 4, lines 27-39) in an air filtration system for the purpose of ensuring proper ionization and for this same reason it would have been obvious to one of ordinary skill in the art to employ this expedient in either one of the prior art air filtration systems.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. These references have been cited as art of interest to show other air filtration systems.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard L. Chiesa whose telephone number is (571) 272-1154.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane S. Smith, can be reached at (571) 272-1166.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is (571) 272-0987.

Facsimile correspondence must be transmitted through (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

Art Unit: 1724

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard L. Chiesa  
March 17, 2005

*Richard L. Chiesa*

RICHARD L. CHIESA  
PRIMARY EXAMINER  
ART UNIT 1724

*March 17, 2005*